

House Conservation and Environment Committee Amendment # 1

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 171*

House Bill No. 246

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-202(a)(1), is amended by deleting the language and punctuation "Tortures, maims" and by substituting instead the language "Maims".

SECTION 2. Tennessee Code Annotated, Section 39-14-202 is further amended by adding the following as new subsection (b) and by relettering the existing subsection (b) and subsequent subsections accordingly:

(b) A person commits the offense of aggravated cruelty who knowingly tortures any animal. The provisions of this subsection shall not apply to activities or conduct which is prohibited by Section 39-14-202(a)(5).

SECTION 3. Tennessee Code Annotated, Section 39-14-202, is further amended by adding the following new subsections thereto:

() Nothing in this section shall be construed as prohibiting the owner of birds used for commercial purposes or someone acting on behalf of such owner from engaging in customary practices to ensure that the commercial properties of such birds are maintained.

()(1) It is the legislative intent that nothing in this section shall change, modify or amend in any way, any Title 70 fish and wildlife provision or any rule and regulation or proclamation promulgated pursuant thereto nor shall this section apply to or interfere with any conduct or activity permitted or regulated pursuant thereto such as hunting, fishing, possessing, taking, killing, eating or capturing fish and wildlife; except that this section shall apply to persons in possession of captive wildlife pursuant to Title 70, Chapter 4, Part 4 in situations where there

900000000

90000000

015869

01586959

House Conservation and Environment Committee Amendment # 1

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 171*

House Bill No. 246

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

are no conflicts with the live wildlife provisions or with any rules or regulations or proclamations promulgated pursuant thereto.

(2) Should any court of competent jurisdiction determine any provision of this section to be a change, modification or amendment to Title 70 or to any rule and regulation or proclamation promulgated pursuant thereto, or should the court determine there to be an interference with any activity or to any rule and regulation or proclamation promulgated pursuant thereto, or should the court determine there to be an interference with any activity or conduct as described in subdivision (a), such provision shall be unenforceable as applied thereto.

() In no way shall the provisions of this section apply to normal and customary agricultural practices such as breeding programs, research facilities or the production, marketing and disposal of farm animals, livestock or exotic animals, including but not limited to, poultry, fish, shellfish or any other agricultural commodity produced in the state.

() The provisions of this section shall not apply to activities or conduct that is prohibited by Sections 39-14-203 and 39-14-204.

SECTION 4. Tennessee Code Annotated, Section 39-14-202, is further amended by deleting the existing subsection (f) in its entirety and by substituting instead the following new subsection:

(f)(1) The first violation of subsection (a) and the second or subsequent violation of subsection (a)(5) is a Class A misdemeanor.

(2) A second or subsequent violation of subparts (a)(1), (2), (3), or (4) is a Class E felony. For the enhanced punishment for second or subsequent violations of subparts (a)(1),

900000000

90000000

015869

01586959

House Conservation and Environment Committee Amendment # 1

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 171*

House Bill No. 246

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

(2), (3), or (4) to apply, a conviction for a violation of such subparts must have occurred prior to commission of the second or subsequent violation.

(3) The first violation of subsection (b) is a Class A misdemeanor.

(4) A second or subsequent violation of subsection (b) is a Class E felony. For the enhanced punishment for second or subsequent violations of subsection (b) to apply, a conviction for a violation of subsection (b) must have occurred prior to commission of the second or subsequent violation.

SECTION 5. This act shall take effect July 1, 1998, the public welfare requiring it.

900000000

90000000

015869

01586959